

MINUTES

NORTHEAST MUNICIPAL ADVISORY COMMITTEE MEETING

WEDNESDAY – AUGUST 13, 2003

A meeting of the Northeast Municipal Advisory Committee took place on the above date at 7:00 P.M. at Michael Ann Russell Jewish Community Center, 18900 Northeast 25th Avenue, Miami, Fl.

COMMITTEE MEMBERS PRESENT:

Jaap Donath
Kenneth H. Friedman
Richard Golden
Glenn H. Gopman
William C. Koppel
Jill B. Perez
Stanley B. Price
Roslyn B. Weisblum

MIAMI-DADE COUNTY ELECTED OFFICIALS AND STAFF PRESENT:

Jorge M. Fernandez, Budget Analyst, Office of Management and Budget, UMSA Policy
Analysis and Services Unit
Miami-Dade Park & Recreation
Barbara Falsey, Ph.D., Chief of Planning and Research, Planning & Research Division
Timothy S. Byrnes, Region Manager, Operations/Region 3
Peter Velar, Director, Building Finance, Administrative Division, Miami-Dade Building Dept.
DERM - Miami-Dade County Environmental Resources Management
Orlando Toledo, Project Supervisor, Code Coordination and Public Hearing
Mike Gambino, CFM, Section Supervisor, Water Management Division

1. The meeting was called to order at 7:10 P.M.

2. **Ken Friedman, Chair**

Ken Friedman opened the meeting and stated that we are a third of the way through the process. He said we are going to go out into the community; he asked for anyone who is an officer of a board of one of the sub-areas to enter their name on a form, so that we can begin to have some outreach, and get out into the community, and start talking to 16,000 people instead of 120. He introduced a new Board member, Richard Golden. The Chair mentioned the rules of decorum and discussed public involvement at the meetings. He explained that the Committee, because it was appointed by the County, falls under the Sunshine Laws and as a result it is open to the public; but it is only a Committee meeting with their observation. He still opens up the meeting slightly and in future meetings he will try to open up as we continue to be a little more respectful of each other's opinions. It is not a public hearing; it is a public meeting of the Committee, and that is the reason for the index cards for questions. He does not discard any index cards; he only reads the index cards that relate to the speakers; all of the other questions on index cards will be answered at the following meeting. He congratulated one of our members, Stan Price, for being chosen as one of the top real estate, land use attorneys in the state of Florida. Ken Friedman said that he has called every person that has attended these meetings; if they were not home he has left his name and phone number. He has found so far that it is pretty much even on everyone's views. The vast majority wants to go through the process and

hear the pros and cons and wait until all of the numbers are in to make up their minds on whether it is a good or bad thing.

Ken Friedman stated that he was in the Kendall area this weekend and their paper was flooded with articles from different MACs. He read some of the salient points, which were as follows:

- East Kendall – members discussed whether they should put together a conservative budget making expenses higher and revenues lower to show that there can still be a surplus, or to base the budget on a lower property tax base to show the proposed city could run with better services and a tax cut. One person said if the County Commission saw a higher surplus it might want to take out a higher mitigation fee.
- Fountainblue – they had a speaker present a preliminary budget to them. There was a two million dollar difference between the County's estimate of police services and the police department's estimate of police services.
- There was an article in today's newspaper about bond revenues in the County going significantly down. That will have an effect on all of us.

Ken Friedman asked for additions or corrections to the minutes from the July 2, 2003 meeting. There was a motion made at that meeting and it was not made by the Chair but by another member. Those minutes should be amended to reflect that.

3. Glen Gopman said relevant to the minutes there is one statement from our County Commissioner Sally Heyman. He read the quote from Commissioner Heyman from the July 2, 2003 minutes. He wanted to quote it so that everyone would understand that the official County position of our County Commissioner is that the County is getting out of local services. That is why we have a Municipal Advisory Committee, learning and studying options.

4. Ken Friedman also mentioned the three subcommittees, which are as follows:

- Outreach pros and cons
- Demographics
- Budget

He asked for the public to get involved in these subcommittees.

Ken Friedman identified six options:

1. Community Council – took over zoning issues from the County – if the County would give the Community Council more authority we might not need this process – but they are not.
2. "Town" – in concept only – stays under the jurisdiction of the County – the personnel and services are that of the County – there is a board of directors – the town could raise two mils to be used exclusively in the service area. Preferred to have some law and zoning overlays so the neighborhood could improve an area if it deemed it important with the County having veto and sunset powers (if town concept does not work in the view of the County they could eliminate it and it would be back to just a neighborhood again). The County has rejected this concept at this time.
3. Annexation to Aventura – Aventura is currently making no overt effort to consider our area for annexation. There is no guarantee even with a favorable revenue stream from us that they would seek us out. Politically we would clearly not be in a controlling position.
4. To be a city – the number of residents and revenue are not significant but adequate to increase services without a financial burden. That is preliminarily. At the first meeting

it was shown that we were a donor community of well over a million and probably two to three million by the time we get all of the numbers. Certainly laws, animal control, public works, and zoning would be improved. Local representation is always better than distant or lesser representation. These are some of the pros to being a city.

5. Annexation to North Miami Beach – the city has been a great neighbor but the millage is three times that of UMSA.
6. Do nothing – status quo is rarely a good thing. Most of us want a better life for ourselves, family, friends, and neighbors. As the County continues to shrink and more areas become cities or get annexed, services get worse, taxes go up. Every study indicates this as a reality. Doing nothing will not address County shortfalls or failures relating to our area.

He said you could look at this that we have six options, none of them great at this point. But we need to look at all six options and that is what this process is all about.

He answered the questions from the prior meeting as follows:

- Q. What departments stay with the City vs. the County at what cost?
 - A. Fire, library, and police (for at least three years) remain with the County. A new city would decide what services to keep, what to farm out, what levels of service are desired. The citizens would obviously have an impact on code enforcement, zoning laws and other department issues. Additional cost would apply only if the City offered more services to its citizenry. Additional services may not cost more since we are a donor community. These hearings cost nothing; we need to thank Commissioner Heyman for making this possible. Any costs for additional studies and outreach efforts will be accomplished with private fund raising.
- Q. How much of Dade is still unincorporated?
 - A. Over a dozen MACs are reviewing incorporation. Plus a new County Mayor is on the horizon. The answer to this question will be changing monthly but obviously unincorporated Dade will continue to shrink.
- Q. Why doesn't Aventura want us?
 - A. Historically it was political: a squaring of the boundary, sufficient revenue, and a like kind of citizenry. Since their incorporation, issues like parks and schools have become more important, plus a slightly broader view of what should be a city. Communication is ongoing.
- Q. Will taxes increase if we incorporate?
 - A. There is no evidence to indicate that would happen. Historically, other cities have not had tax increases. UMSA taxes and Aventura taxes are similar. North Miami Beach taxes are higher. Voters only decide on incorporation, not property owners. Cherry picking and creating enclaves are not being permitted by the County for cities or annexations.

5.

Motion by Glen Gopman to approve the July 2, 2003 minutes, modified by the chair not having made the motion in those minutes, motion seconded.

Motion carried.

6. Jorge Fernandez said that one of the things he wanted to clear up that he heard a little earlier is that the County is getting out of municipal services. There was verbiage that required the County to

totally incorporate by the year 2007. That was repealed about two years ago. It is not the case that the County is getting out of municipal services as of this moment. Not to say it may not change a few years from now but as of right now it will continue to provide municipal type services to all incorporated Miami-Dade County.

7. Barbara Falsey, Ph.D., Chief of Planning and Research, Miami-Dade Park & Recreation

She introduced herself and distributed a handout. She introduced Tim Byrnes, the Regional Manager of Miami-Dade Park & Recreation in this area. She will go over the structure of the Parks Department so we will know how they are organized; and to let us know the types of responsibilities that a municipality would be taking on if they assume the role. She is also going to talk about the parks in our area. She will then discuss the typical terms of conveyance when the County conveys or transitions what has been an unincorporated park to a new city.

In terms of structure, the County Parks Department is both countywide (regional service) and unincorporated area (municipal service). Countywide parks include all of the beach parks, special resource natural areas, the zoo, golf courses, and tennis centers. Countywide parks are special resource parks, special activity parks, and major sports activity parks that serve a wide region. Local parks are parks that are either neighborhood or community parks. In our area the community parks that would be conveyed are Ojus Park and Highland Oaks Park. Greynolds Park is a district park that would remain with the County. In terms of organization they have a Director and three Assistant Directors. The current Director is Vivian Donnell-Rodriguez. She is a great advocate for Parks and Recreation. She has promoted the Echo Adventure program that teaches kayaking, takes people on snorkeling trips, van rides into the Everglades, etc. They recently hosted in Miami-Dade County the Junior Olympics, which brought over 7,000 junior track and field Olympians between the ages of 7 and 18 into the County to compete. Not all municipalities have a separate Parks & Recreation director. The three assistant directors in Miami-Dade County are for administration; planning and development; and operations. She described the duties and responsibilities of these divisions. If a City takes over its own parks it needs to hire a staff, run programs, etc.

She discussed the handout, which had revenues and expenses on Ojus and Highland Oaks Parks. Typically park revenues do not cover park programs. That funding could come from general revenues. Regarding projects that are currently occurring at these parks: in Highland Oaks there is a recreation center under way as well as some lighting; at Ojus there is a lighting project for the courts. For capital funding: SNP dollars go with the municipality; other funding is subject to discussion.

Terms of conveyance:

- When they do convey a park to a new municipality it is through an interlocal agreement that has to be approved by the new municipality's governing body and the County Commission.
- There are certain terms and conditions that they convey them with such as the following:
 1. Article 6 of the County Charter, which is sometimes known as the "Save our Parks" amendment to the County Charter is a provision in the County Charter that carries over to a new municipality and binds the municipality to respect its provisions. Article 6 prevents the sale of parkland without a referendum. It limits the kinds of activities and size of structures that can go on parkland. It was designed to protect people from a situation where a city might decide if they are in a budget crunch to sell

off parkland. The City of Miami is a jurisdiction that did not approve Article 6 so their parks don't have that protection. All of the unincorporated area parks do have the protection and most municipal parks do.

2. The parks are open in their programming and access to everyone without any discrimination as to municipal or non-municipal resident. Some cities charge extra fees for outsiders; some cities do not allow non-residents into their parks. The County conveys their parks with the condition that the new municipalities not do any of those things; conveyed parks will be open to everyone at the same charge.
3. Parks are conveyed in an as-is condition.
4. There may be other kinds of issues, with particular parks, such as conservation easements, or such as in Highland Oaks where the lake cannot be turned into a field.

Questions from the Committee and public were now addressed. She responded to a card where it was requested that she thank Tim Byrnes publicly for the wonderful job he did to make Skylake-Highland Lakes first Earth-day event take place. She reviewed the handout. SNP stands for the voter approved Safe Neighborhood Park Bond Program. In the vote residents voted on specific parks, projects, and funding. Highland Oaks Park was one of the parks included in the SNP Bond Program. A recreation center is under design. The SNP money stays with whatever was planned and is subject to a citizen review committee. QNIP is the Quality Neighborhood Improvement Bond Program. The current direction of the County Commission is that once an area is fully incorporated, no more QNIP dollars are expended but they are still responsible for the debt service. She will have to clarify with the budget office whether CBOs (Community Based Organization grants) will still be available. Typically CBO grants are within unincorporated areas since it is Miami-Dade general fund money for UMSA. The City itself could have their own CBO grants. They currently supplement the maintenance in both Ojus and Highland Oaks Parks with staff and equipment from Greynolds Park. They would not do this if we were a City. There is currently one full time employee at both of these parks. There are also part-time employees. Community parks are conveyed to new cities. Unincorporated money would no longer be used to fund those parks; UMSA money must stay with UMSA local parks by state statute. Barbara Falsey's phone number is 305-755-7860. Tim Byrnes' phone number is 305-365-3015. Greynolds Park would remain a County park. It is a park with regional significance. It is one of the parks that they are concentrating on designating a heritage park; it is one of their first parks. Parking revenues at regional parks help support the park. New cities would be collecting their own impact fees. They will get us more specific budget information on the two community parks. If the conditions are violated, Miami-Dade can take the park back. When the money in SNP is not used, it earns interest; the interest can be opened up by the Safe Neighborhood Parks Board to municipalities. New municipalities, as well as existing municipalities can apply for these funds.

8. Stan Price, who was a County employee for ten years, stated that he does not understand much of what is being explained to us by the speakers. He recommended that we have an expert in the area independently examine the facts and report back to us through an independent evaluation. There are more questions left unanswered than answered in this system. He does not know how we sitting here as a committee or the people sitting here tonight can glean sufficient information to make an intelligent decision when we don't know what questions to ask, in terms of what a revenue base is and what our expenses are.
9. Ken Friedman stated that the public gets a chance to hear and ask questions about half of which were answered. No department yet has had all of the answers. He hopes that at future meetings those answers come to us.

10. Peter Velar, Director, Building Finance, Administrative Division, Miami-Dade Building Dept.

He gave an overview of the financial aspects of the Building Department. The Building Department is 95 percent self-supporting. All of its expenditures are covered by its building permits; it is required to be that way by state statute. State statute says that whenever there is a building permit issued, they must follow the Florida building code, as of March 2002. All of the revenues for it must be for plans processing, inspections, and certain building code enforcement type activities. He handed out packets, which includes a telephone directory of everyone in the Building Department. He gave an overview of the Building Department, which includes seven divisions: building; mechanical; electrical; plumbing; finance and administration; customer service and computer services; and quality assurance and code compliance. They are self-supporting; besides permitting revenues, they apply for grants, and have some unincorporated taxes that offset unsafe structures and code enforcement.

He then addressed questions. You still have to go down to 118th and Coral Way to pull your permits. For the building department we only have three choices by state statute: we either can have an interlocal agreement with the current building department to provide that service for us (City of West Miami still uses their permitting process; they have had an interlocal agreement since 1966); can have our own building department (our area currently provides less the 1% of their permitting and inspections, which is typical for an area which is already developed; most of their work comes from undeveloped areas); contract out to a private engineering firm. He was asked to explain the benefits of pulling a permit. Aside from the fact that it is required by law to pull a permit for new construction or any renovations that have life safety issues involved; must be reviewed and inspected to make sure there is nothing wrong and to make sure there are no restrictions on them. The permit goes through five different departments: Building; Planning and Zoning; Derm; Fire; and State Health for commercial. It goes through Water and Sewer on land use type activity. Plans processors by ordinance must go through the entire building department within twenty working days. Only 20-25% of original permits are rejected. If you ask for an inspection before 2:00 P.M., they will have an inspector come out by the next day. They have less the .1% being carried over to the following day. Now with the Internet, if you know a permit number, you can actually find out when your inspector is going to go out there. There is only one regional office for permitting which is the South Dade Government Center. They are going to close that office because of lack of usage. They have been trying to get a lot of things done through the Internet. You can now do subsidiary permits through the Internet. You can now do some small renovations through the Internet. For major renovations requiring contractors, they cannot have little offices of plans reviewers in different areas. It would increase the permitting price to the point where it would be unreasonable. The current location of the permitting and inspection center is where 90 percent of the construction is taking place. Every city has their own permitting and permit processing. You cannot deviate from Florida State Building Code. By state statute building permitting must be revenue neutral; it cannot be income producing for a city. Code enforcement usually loses money for a city.

11. Orlando Toledo, DERM Project Supervisor, Code Coordination and Public Hearing

He gave an overview of what DERM does: they look at water quality, air quality, natural resources and restoration, stormwater management, and proper management of disposal. DERM's jurisdiction includes but is not limited to the following: review plans for building permits, zoning actions, planning actions, and building actions. In addition they also have requirements for protection of public

water supply; work with waste disposal; stormwater management and disposal; tree resources; wetlands; coastal resources; and air quality.

12. Mike Gambino, CFM, DERM Section Supervisor, Water Management Division

He works in the Water Management Division; he works on stormwater management projects and flood plain management projects. They are trying to address stormwater runoff from two perspectives: the water quality and the water quantity of that stormwater runoff. The quantity issue is to reduce flooding in our community; the water quality is because of the fact that stormwater picks up all of the contamination that is on the ground surface and then takes that contamination into our bodies of water. The EPA does not like that and as of 1991 a Federal Stormwater Discharge permit has been required. A new city would be required to get this permit; they would be required to do an annual sampling procedure to sample surface water and check contamination levels. There is a joint permit now where most of the cities in Miami-Dade County and the County share the costs of sampling activities. The second area he wanted to make us aware of is the stormwater utility program they have in Miami-Dade County. State and County law says that if you are a municipality or the unincorporated area you have to do one of three things for your stormwater management programs: join the County stormwater utility; form your own stormwater utility, which most of the new cities have; or you have a line item in your budget specifically for stormwater management programs. We are paying a stormwater utility fee now; if we form our own municipality he suggests we form our own program so that we can spend the money as we feel it is best needed in our area. They are doing stormwater management projects all around the County: stormwater inlets, pump stations, etc.

He then addressed questions. There is a high water table and low elevation in the area of N.E. 26th Avenue; they put in the drainage they thought would help. Level of service for drainage projects must be kept in mind; they can help in some areas. They try to help as much as they can, but when you get 7 inches of rain in two hours, when you get an Irene storm that is a one hundred year storm, you are going to get flooding everywhere unfortunately. Lakes are private property; the County does not maintain or sample the private lakes. Typically, a homeowners association organizes to do this. In specific cases like the Sunswept Lake, they will go out and do some investigation. If there is a source of pollution that is found that might be illegal, they will go out and investigate and sample, but they do not do regular maintenance. They also have people that will come out if there are fish kills; usually this is because the temperature inversion in the summertime or when there is a lot of rain dissipates the oxygen; it is usually a natural effect or phenomena. The Oleta River is a State responsibility. There is also a National Flood Insurance Program that he manages which involves flood protection activities. FEMA decreed in 1993, a year after Hurricane Andrew, that the cities shall do their own flood plain management. They have to enact their own flood plain management ordinance, have their own rules, and have their own inspections for elevation requirements. A new city would have to do that and as part of the federal code they would have 6 months from incorporation to join the National Flood Insurance Program. The County cannot and is not allowed to enforce it in the city. They also have a participatory program called the Community Rating System; when a city undertakes flood protection activities that are in excess of the minimum standards of the National Flood Insurance Program, FEMA rewards those communities with flood insurance discounts. Currently, in the unincorporated areas of the County they have achieved a 20% discount for their residents that are in flood zones, on their flood insurance policies, by increasing their flood protection activities which could include: stronger stormwater management regulations, providing open space, doing public outreach, etc. from a list of 18 activities they can do to get these credits. As a new city we will also have the opportunity to join

the program and start achieving flood insurance discounts for our residents. It is legal for the County to direct stormwater into local lakes. Usually, when a new development occurs these lakes are used as drainage easements. They do require pollution controls; at all aspects of the drainage system before it goes into the lake you have inlets that control sediment, you have weirs and baffles that will stop the pollution and slow it down, and it should be clean stormwater by the time it gets to any lake. Miami-Dade Chapter 24 jurisdiction is Countywide for these drainage permitting requirements, so all new construction would have to have adequate drainage which they will review in the permit except for very small projects which a city could do itself. The County can discharge stormwater runoff after it is treated for contamination into private lakes. If the problems at Greynolds Lake can be shown to be attributed to the stormwater runoff, the County will take care of it. Water is supposed to pool in the swale areas. A street is designed so that the crown is the highest point and then there is a swale before it gets to your yard. The stormwater should infiltrate at the swale and the other drainage systems that the County has installed; the swales help with the drainage. Part of the federal permit requires that cities and the County and DOT and anybody else that have municipal drainage get together and define the roles and responsibilities if they have storm sewers that are connected. The permit says that if there is a problem with the drainage system each entity that shares that system should do research and find out the cause of the problem, and whoever is causing the problem should fix the problem. That is how it is supposed to work. If we become a city, we should develop a stormwater management master plan that identifies what is our current stormwater management system, where are our currently flooded areas, and what kind of money we want to devote to fixing these flooded areas. If the County has officially completed a drainage project it is considered finished even if it is not working. If your water bill comes from Miami-Dade Water and Sewer, the stormwater charge appears on that bill. If you are not serviced by WASA, you get a separate bill from DERM for stormwater utility. The only DERM activities that a city would take upon themselves would be stormwater management and trees.

13. Jorge Fernandez mentioned that if we incorporate, we do have the option to stay with Miami-Dade stormwater utility; there are currently a few cities that are in Miami-Dade's stormwater utility such as: El Portal, Miami Lakes, and Palmetto Bay.
14. Ken Friedman mentioned that the next meeting would be at the JCC again on September 10, 2003. The meeting after that will be at the middle school.
15. Glen Gopman asked for the formal document (resolution) from the County concerning the UMSA area service policy. Jorge Fernandez said he would have it at the next meeting.
16. Bill Koppel stated that there was a form petition that was being handed out this evening that asked for people to sign who opposed annexation/incorporation. He would like to give those people passing out the form a forum to explain what their position is so that we can understand it. He would like to invite them to do that at a future meeting.
17. Meeting was adjourned.

**Roslyn B. Weisblum
Recording Secretary**